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EXAMINER

FONTAINE, MONICA A

ART UNIT PAPER NUMBER

1732

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 10/006,828	Applicant(s) TOMIC, MLADOMIR	
	Examiner Monica A Fontaine	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 121001. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Laguerre (U.S. Patent 3,806,998).

Regarding Claim 1, Laguerre shows that it is known to carry out a method for making a recloseable package (Abstract; Column 2, lines 6-15), the method comprising concurrently extruding the package body, the pair of closure profiles, and the pair of retaining shoulders from a single extrusion die to form a package structure (Column 2, lines 6-15; Column 2, lines 1-2, 26-28).

Regarding Claim 16, Laguerre shows that it is known to carry out a method for making a recloseable package (Abstract; Column 2, lines 6-15), the method comprising extruding a package body having first and second sides that face opposite directions (Figure 2; Column 2, lines 7-15), extruding a pair of closure profiles adapted to be interconnected with one another (Figure 2, elements 15 and 17), extruding a pair of slider retaining shoulders adapted for retaining a slider on the recloseable package (Figure 2, elements 25 and 27), forming a precursor package structure by connecting the closure profiles and the retaining shoulders to the package body while the closure profiles, the retaining shoulders, and the package body are in a molten

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state, the closure profiles of the precursor package structure being positioned to project outward from the first side of the package body, and the retaining shoulders of the precursor package structure being positioned to project outwardly from the second side of the package body (Figure 2); cooling the molten precursor package structure to solidify the closure profiles, the retaining shoulders, and the package body (Column 2, lines 7-15 (a known step in the cited extrusion process)).

Regarding Claim 17, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, including a method wherein the package body, the closure profiles, and the retaining shoulders are simultaneously extruded from a single die (Column 2, lines 7-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre, in view of Broderick et al. (U.S. Patent 4,906,310).

Regarding Claim 2, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a water bath cooling mechanism. Broderick et al., hereafter "Broderick," show that it is known to carry out a method of making a recloseable

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article comprising cooling the package structure by submersion in a cooling bath (Figure 1; Column 3, lines 45-46). Broderick and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Broderick's cooling mechanism during Laguerre's molding process in order to quickly and efficiently cool his molded article.

Regarding Claim 3, Laguerre shows the process as claimed as discussed in the rejection of Claims 1 and 2 above, but he does not show an angle at which the molded article is cooled. Broderick shows that it is known to carry out a method of making a resealable article wherein the package enters the cooling bath generally at a right angle relative to a top surface of the cooling bath (Figure 1). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to position Laguerre's package at a right angle to the cooling medium, as in Broderick, in order to encourage homogeneous cooling of the molded article.

Regarding Claim 22, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show a water bath cooling medium. Broderick shows that it is known to carry out a method of making a recloseable article comprising cooling the package structure by submersion in a cooling bath (Figure 1; Column 3, lines 45-46). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Broderick's cooling mechanism during Laguerre's molding process in order to quickly and efficiently cool his molded article.

Regarding Claim 29, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show an angle at which the molded article is cooled.

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Broderick shows that it is known to carry out a method of making a recloseable article wherein the precursor package is cooled at a water bath, and the package structure enters the water bath generally at a right angle relative to a top surface of the water bath (Column 3, lines 45-46; Figure 1). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to position Laguerre's package at a right angle to the cooling medium, as in Broderick, in order to encourage homogeneous cooling of the molded article.

Claims 4, 13-14, 18, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre, in view of Noguchi (U.S. Patent 3,945,872).

Regarding Claim 4, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a spraying cooling mechanism. Noguchi shows that it is known to carry out a method of making a recloseable article comprising cooling the package structure by spraying a coolant on the package structure (Column 2, lines 53-68; Column 3, lines 43-65). Noguchi and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Noguchi's spray cooling mechanism in Laguerre's process in order to cool his articles without needing a large space for a water bath.

Regarding Claim 13, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show an extrusion direction. Noguchi shows that it is known to carry out a method of making a recloseable article wherein the package structure is vertically extruded (Figure 1). It would have been prima facie obvious to one of ordinary skill in the art at

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the time the invention was made to extrude Laguerre's article in Noguchi's vertical direction to avoid unwanted distortion of the article.

Regarding Claim 14, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show specific locations of the closure profiles on the package structure. Noguchi shows that it is known to carry out a method of making a recloseable article comprising forming the closure profiles at opposite edges of the package structure (Figure 2). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form Laguerre's closures in Noguchi's arrangement in order to increase the ease of assembling the product after it is formed.

Regarding Claim 18, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show forming the package parts from different dies. Noguchi shows that it is known to carry out a method of making a recloseable article wherein the package body is extruded at a first extrusion die, and at least one pair of the pairs of retaining shoulders and closure profiles is extruded from a second separate extrusion die (Column 1, lines 40-44). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Noguchi's separate dies during Laguerre's molding process in order to enable easy variation of a single part of the total package.

Regarding Claim 23, Laguerre shows the process as claimed as discussed in the rejection of Claim 16, but he does not show a spraying cooling mechanism. Noguchi shows that it is known to carry out a method of making a recloseable article comprising cooling the package structure by spraying a coolant on the package structure (Column 2, lines 53-68; Column 3, lines 43-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the

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invention was made to use Noguchi's spray cooling mechanism in Laguerre's process in order to cool his articles without needing a large space for a water bath.

Regarding Claim 30, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show specific locations of the closure profiles on the package structure. Noguchi shows that it is known to carry out a method of making a recloseable article comprising forming the closure profiles at opposite edges of the package structure (Figure 2). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form Laguerre's closures in Noguchi's arrangement in order to increase the ease of assembling the product after it is formed.

Claims 5, 12, 19, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre, in view of Giljam et al. (U.S. Patent 5,053,091).

Regarding Claim 5, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show the use of a chill roller. Giljam et al., hereafter "Giljam," show that it is known to carry out a method of making a recloseable article comprising cooling the package structure by contact with a chill roller (Column 2, lines 41-61). Giljam and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Giljam's chill roller to cool Laguerre's molded package in order to avoid the possibility of unwanted reactions between the product and a sprayed cooling liquid or potential oversaturation and flooding.

Regarding Claim 12, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a roller which prevents distortion. Giljam shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the roller includes a resilient outer surface having sufficient resiliency to prevent the closure profiles from deforming as the package structure is conveyed about the roller (Column 9, lines 7-20). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Giljam's roller which prevents deformation during Laguerre's process in order to obtain products which meet critical specifications.

Regarding Claim 19, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show the use of a chill roller. Giljam et al., hereafter "Giljam," show that it is known to carry out a method of making a recloseable article comprising cooling the package structure by contact with a chill roller (Column 2, lines 41-61). Giljam and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Giljam's chill roller to cool Laguerre's molded package in order to avoid the possibility of unwanted reactions between the product and a sprayed cooling liquid, or potential oversaturation and flooding.

Regarding Claim 28, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show a roller which prevents distortion. Giljam shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the roller includes a resilient outer surface having

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sufficient resiliency to prevent the closure profiles from deforming as the package structure is conveyed about the roller (Column 9, lines 7-20). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Giljam's roller which prevents deformation during Laguerre's process in order to obtain products which meet critical specifications.

Claims 6, 7, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre and Giljam as applied to claims 1, 5, 16 and 19 above, and further in view of Noguchi.

Regarding Claims 6 and 7, Laguerre and Giljam shows the process as claimed as discussed in the rejection of Claims 1 and 5 above, but they do not show spraying coolant on the closure profiles. Noguchi shows that it is known to carry out a method of making a recloseable article including further cooling of the closure profiles by spraying a cooling fluid on the closure profiles (Column 2, lines 53-68; Column 3, lines 43-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to cool the closure profiles, as in Noguchi, during Laguerre's and Giljam's molding process in order to ensure complete cooling of the entire molded package.

Regarding Claims 20 and 21, Laguerre and Giljam shows the process as claimed as discussed in the rejection of Claims 16 and 19 above, but they do not show spraying coolant on the closure profiles. Noguchi shows that it is known to carry out a method of making a recloseable article including further cooling of the closure profiles by spraying a cooling fluid on the closure profiles (Column 2, lines 53-68; Column 3, lines 43-65). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to cool the

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closure profiles, as in Noguchi, during Laguerre's and Giljam's molding process in order to ensure complete cooling of the entire molded package.

Claims 8-11, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre, in view of Yano (U.S. Patent 4,555,282).

Regarding Claim 8, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a conveying roller having different diameters. Yano shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the first side of the package body faces the roller as the package structure is conveyed about the roller, and wherein the roller includes reduced diameter portions that correspond to the closure profiles and an increased diameter portion that corresponds to the package body (Column 8, lines 61-68; Column 9, lines 1-11). Yano and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having different diameter portions as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 9, Laguerre shows the process as claimed as discussed in the rejection of Claims 1 and 8 above, but he does not show a roller with grooves. Yano shows that it is known to carry out a method of making a recloseable article wherein the reduced diameter portions comprise grooves (Column 8, lines 61-68). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having

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grooves as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 10, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a conveying roller having different diameters. Yano shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the second side of the package body faces the roller as the package structure is conveyed about the roller, and wherein the roller includes an increased diameter portion that corresponds to the package body (Column 8, lines 61-68; Column 9, lines 1-11). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having different diameter portions as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 11, Laguerre shows the process as claimed as discussed in the rejection of Claims 1 and 10 above, but does not show a roller having different diameters. Yano shows that it is known to carry out a method of making a recloseable article wherein the roller includes reduced diameter portions corresponding to the pair of retaining shoulders of the package structure (Column 8, lines 61-68). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having grooves as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 24, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show a conveying roller having different diameters. Yano

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shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the first side of the package body faces the roller as the package structure is conveyed about the roller, and wherein the roller includes reduced diameter portions that correspond to the closure profiles and an increased diameter portion that corresponds to the package body (Column 8, lines 61-68; Column 9, lines 1-11). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having different diameter portions as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 25, Laguerre shows the process as claimed as discussed in the rejection of Claims 16 and 24 above, but he does not show a roller with grooves. Yano shows that it is known to carry out a method of making a recloseable article wherein the reduced diameter portions comprise grooves (Column 8, lines 61-68). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having grooves as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 26, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show a conveying roller having different diameters. Yano shows that it is known to carry out a method of making a recloseable article comprising conveying the package structure about a roller, wherein the second side of the package body faces the roller as the package structure is conveyed about the roller, and wherein the roller includes an increased diameter portion that corresponds to the package body (Column 8, lines

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61-68; Column 9, lines 1-11). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having different diameter portions as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Regarding Claim 27, Laguerre shows the process as claimed as discussed in the rejection of Claims 16 and 26 above, but does not show a roller having different diameters. Yano shows that it is known to carry out a method of making a recloseable article wherein the roller includes reduced diameter portions corresponding to the pair of retaining shoulders of the package structure (Column 8, lines 61-68). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Yano's roller having grooves as a conveying device in Laguerre's process in order to collect the molded articles without damaging the geometry of the articles.

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laguerre, in view of Ausnit (U.S. Patent 4,196,030).

Regarding Claim 15, Laguerre shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show the casting of a peel seal. Ausnit shows that it is known to carry out a method of making a recloseable article comprising casting a peel seal and incorporating the peel seal into the package structure prior to cooling (Column 5, lines 13-14, 20-30). Ausnit and Laguerre are combinable because they are concerned with a similar technical field, namely, that of processes which yield resealable containers. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to include a

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peel seal, as in Ausnit, in Laguerre's molded package in order to provide double protection in the event that the closures come apart during their use.

Regarding Claim 31, Laguerre shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show the casting of a peel seal. Ausnit shows that it is known to carry out a method of making a recloseable article comprising casting a peel seal and incorporating the peel seal into the package structure prior to cooling (Column 5, lines 13-14, 20-30). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to include a peel seal, as in Ausnit, in Laguerre's molded package in order to provide double protection in the event that the closures come apart during their use.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to the making of resealable packages:

U.S. Patent 4,832,768 to Takahashi

U.S. Patent 5,106,566 to McCree

U.S. Patent 6,152,600 to Tomic

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198.

The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 703-305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Maf

Maf

December 31, 2003

Mark Eashoo

MARK EASHOO, PH.D
PRIMARY EXAMINER

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02/Jan/04